

## **BOOK ENTRIES ALPHABETIZED BY AUTHOR LAST NAME**

**HENRI C. ALVAREZ ET AL., MODEL LAW DECISIONS: CASES APPLYING THE UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION (1985-2001) (2003).**

This book discusses the adoption and implementation of the United Nations Commission on International Trade Law's Model Law on International Commercial Arbitration. The Model Law was designed to provide nations with a modern arbitration law. The book traces the law as well as highlighting case law examples of its use.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

**MICHAEL ASIMOW, A GUIDE TO FEDERAL AGENCY ADJUDICATION (2003).**

This is a handbook to assist government and private attorneys engaged in administrative adjudication under the Federal Administrative Procedure Act (APA). The book is the result of a study of the federal APA that was conducted by the American Bar Association's (ABA) Section of Administrative Law and Regulatory Practice. This book both describes the law of the APA and prescribes recommendations for changes in the APA.

{44} ARBITRATION—GENERAL

{73} SUBJ MATTER: GENERAL

{87} SUBJ MATTER: GOV'T

{128} REQUIREMENTS: STATUTORY OR RULES

**LINDA BABCOCK & SARA LASHEVER, WOMEN DON'T ASK: NEGOTIATION AND THE GENDER DIVIDE (2003).**

This book addresses an important element to negotiation—asking for what you want. In particular, this book addresses the setbacks women currently face in the work force and at home, in comparison to men, because they do not ask for what they want.

{1} NEGOTIATION—GENERAL

{76} SUBJ MATTER: CIVIL RIGHTS

{102} SUBJ MATTER: PUBLIC POLICY

**DANIEL BOWLING & DAVID A. HOFFMAN, BRINGING PEACE INTO THE ROOM: HOW THE PERSONAL QUALITIES OF THE MEDIATOR IMPACT THE PROCESS OF CONFLICT RESOLUTION (2003).**

This book examines the psychological, intellectual, and spiritual qualities of effective mediators. It explores how a mediator's personal qualities can enhance the results of mediation. Rather than endorsing certain personal qualities for every individual, the authors explain that effective mediators must be aware of their own strengths and weaknesses, and use those qualities

that work best for them. Constant self-awareness allows mediators to successfully facilitate conflict resolution.

{21} MEDIATION—GENERAL

{73} SUBJ MATTER: GENERAL

**SCOTT BROWN**, *HOW TO NEGOTIATE WITH KIDS . . . EVEN WHEN YOU THINK YOU SHOULDN'T: 7 ESSENTIAL SKILLS TO END CONFLICT AND BRING MORE JOY TO YOUR FAMILY* (2003).

In this book, Mr. Brown addresses how to resolve daily family conflicts by using traditional negotiation techniques. The author is one of the founding members of the Harvard Negotiation Project and is "an expert on political and corporate conflict." The book includes chapters addressing how parents can assess their conflict style, help themselves and their children deal with emotions, and interact with their children to create less conflict in a household. In addition, the book contains chapters dealing with non-negotiable items and sibling rivalry.

{1} NEGOTIATION—GENERAL

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

**HENRY F. CAREY & OLIVER P. RICHMOND**, *MITIGATING CONFLICT: THE ROLE OF NGOS* (2003).

This book examines the effects that nongovernmental organizations (NGOs) have on the international peacekeeping process, along with other, non-traditional forms of dispute resolution, such as prevention and peacebuilding. The author looks to the examples set by humanitarian, human rights, and other NGOs in a variety of case studies, set in places like Bosnia, Africa, and Afghanistan, to determine how best to implement NGO aid in the future.

{38} NON-BINDING RECOMMENDATION PROC—GENERAL

{92} SUBJ MATTER: INT'L

{134} DISPUTE PREVENTION

**JIMMY CARTER**, *NEGOTIATION: THE ALTERNATIVE TO HOSTILITY* (2003).

This book compiles President Jimmy Carter's inaugural lecture at the Carl Vinson Memorial Lecture Series at Mercer University. President Carter discusses negotiation as an alternative way to deal with unnecessary litigation. He focuses on negotiation as a means to settle differences between nations, by discussing the appropriate time to begin negotiations, how to maintain discussion throughout negotiations, the need for patience and persistence, and the need to honor resulting agreements.

{1} NEGOTIATION—GENERAL

{87} SUBJ MATTER: GOV'T

{92} SUBJ MATTER: INT'L

**JACQUELINE R. CLARE ET AL., ALTERNATIVE DISPUTE RESOLUTION IN NORTH CAROLINA: A NEW CIVIL PROCEDURE (2003).**

This book offers a history of the ADR movement particularly as it pertains to North Carolina. The book offers a comprehensive review of current ADR practice in North Carolina and serves as a guide to practitioners in North Carolina about the procedures used specifically in that state.

{44} ARBITRATION—GENERAL

{73} SUBJ MATTER: GENERAL

**HERB COHEN, NEGOTIATE THIS!: BY CARING, BUT NOT THAT MUCH (2003).**

This book addresses negotiation as the “game of life” and is designed to provide competent and reliable information on about negotiation. The book uses examples in various situations—in a variety of occupations—to demonstrate the art of negotiation.

{1} NEGOTIATION—GENERAL

{73} SUBJ MATTER: GENERAL

**IAN M. EILENBERG, DISPUTE RESOLUTION IN CONSTRUCTION MANAGEMENT (2003).**

The author provides an overview of processes for resolving building contract disputes. The book is written for a variety of audiences, including the builder, contractor, or other workers. Advice is provided on how to minimize the likelihood of a dispute through partnering and alliancing. The author also introduces insight into the psychology of participants, considers the use of court system forums, and provides an international look at construct contract disputes.

{38} NON-BINDING RECOMMENDATION PROC—GENERAL

{80} SUBJ MATTER: CONSTRUCTION

**FRANK ELKOURI, &EDNA ELKOURI, HOW ARBITRATION WORKS (Alan Miles Ruben ed., 6th ed. 2003).**

This comprehensive book covers all aspects of labor law and dispute resolution. The book is a desktop guide to these subjects, covering major developments to this area of study. Among the many new topics covered by this edition are jurisdictional disputes, last-chance agreements, ethical obligations of arbitrators and advocates, mental distress damages, admissibility of employee surveillance and post-discipline acquired evidence, recent federal employment-related statutes; workplace rules validity, and a state-by-state summary of public-sector interest arbitration statutes. Along with all new topics covered, the book also deals with the same full scope of arbitration covered in previous editions.

{44} ARBITRATION—GENERAL

{73} SUBJ MATTER: GENERAL

## {126} REQUIREMENTS: CONTRACTUAL CLAUSES

## {138} ETHICS: GENERAL

**JOHN FELLAS**, *INTERNATIONAL BUSINESS LITIGATION & ARBITRATION*, (2003).

This book is a comprehensive course handbook published by the Practising Law Institute. This two-volume work covers topics relating to international business litigation and arbitration. Some essays deal specifically with arbitration use in the international context. While the primary audience for this work is students, it may also be used as a reference for practicing attorneys.

## {44} ARBITRATION—GENERAL

## {92} SUBJ MATTER: INT'L

**IRVINE S. GERSCH & ADAM GERSCH**, *RESOLVING DISAGREEMENT IN SPECIAL EDUCATIONAL NEEDS: A PRACTICAL GUIDE TO CONCILIATION AND MEDIATION* (2003).

This book aims to help those responsible with making arrangements for the provision for children with special educational needs. It includes contributions from leading practitioners in special educational needs, law, and mediation about such topics as how to plan disagreement resolutions and skills and techniques for mediators.

## {21} MEDIATION—GENERAL

## {83} SUBJ MATTER: EDUCATION

**JOHN H. HENN**, *BRING US YOUR CASE, ARBITRATION OR COURT?: WHICH IS BETTER FOR YOUR BUSINESS OR COMMERCIAL CASE?* (2003).

This Massachusetts Continuing Legal education seminar helps examines the differences between arbitral forum and a judicial forum for the resolution of business or commercial disputes. Focusing on in-court litigation as an alternative to arbitration, this seminar addresses: agreements to arbitrate and selection of arbitrators, cost considerations, speed and arbitrator subject matter expertise, and the good and bad about arbitral “trials” versus judicial trials.

## {44} ARBITRATION—GENERAL

## {75} SUBJ MATTER: COMMERCIAL

## {155} TEACHING

**LEO HINDERY & LESLIE CAULEY**, *THE BIGGEST GAME OF ALL : THE INSIDE STRATEGIES, TACTICS, AND TEMPERAMENTS THAT MAKE GREAT DEALMAKERS GREAT* (2003).

This book offers personal insights and perspectives on huge corporate deals from the former CEO of AT&T Broadband, Telecommunications, Inc., and

Global Crossing, Inc. The book discusses the inside strategies, tactics, and temperaments that make great dealmakers great.

{1} NEGOTIATION—GENERAL

{81} SUBJ MATTER: CORPORATE

**ELLIOTT KAY ELKINS & FRANK W. ELLIOTT, ALTERNATIVE DISPUTE RESOLUTION HANDBOOK (2003).**

This book provides a broad overview of ADR procedures. It first discusses the many types of ADR procedures, such as arbitration, mediation, summary jury trial, and early neutral evaluation. It then discusses the use of these procedures within specific contexts, such as construction, employment, health care, family conflict, and environmental conflict. The use of ADR in local, state, federal, and international settings is next discussed. Finally, the book concludes by discussing broader concerns in ADR, such as confidentiality and ethics.

{21} MEDIATION—GENERAL

{73} SUBJ MATTER: GENERAL

**BRYAN A. LIANG, MEDIATION AND CONFIDENTIALITY: UNEASY RIDERS ON THE ROAD TO CONFLICT RESOLUTION (2003).**

Attorneys are discovering that the over-abundance of mediation confidentiality statutes may create conflicts of law that result in the loss of confidentiality in mediation settlements and hinder communication in mediations. This book analyzes the need for confidentiality and explores the conflicts in various confidentiality provisions which threaten confidentiality. The author proposes a model federal statute to alleviate some of the problems caused by conflicting confidentiality provisions.

{21} MEDIATION—GENERAL

{102} SUBJ MATTER: PUBLIC POLICY

{132} CONFIDENTIALITY

{144} LEGISLATION

**CHRISTOPH LIEBSCHER, THE HEALTHY AWARD: CHALLENGE IN INTERNATIONAL COMMERCIAL ARBITRATION (2003).**

This book discusses the scope and approach of arbitration. It dissects arbitration statutes of European nations and multilateral treaties under the New York and European conventions. It analyzes the laws under five European nations, the form and content of their arbitration provisions, and their notion and enforcement of arbitral awards under these provisions.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

{124} COMPARISONS: CROSS-CULTURAL

**LUCINDA LOW ET AL., THE INTERNATIONAL LAWYER'S DESKBOOK (2003).**

This book provides a comprehensive overview of international law in the fields of commercial law and business law. In particular, the book provides a chapter on international commercial arbitration. The chapter, authored by Gary B. Born, gives some insight into international commercial arbitration as an alternative to international litigation.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

{75} SUBJ MATTER: COMMERCIAL

**KATHERINE L. LYNCH, THE FORCES OF ECONOMIC GLOBALIZATION: CHALLENGES TO THE REGIME OF INTERNATIONAL COMMERCIAL ARBITRATION (2003).**

This book analyzes both the private and public aspects of international commercial arbitration. The author takes into account the complexity of multinational corporations, their business strategies, and their evolution into "stateless" corporations that require a modification of the arbitration process. The book contains chapters that deal with multilateralism, regionalism, nationalization, modernization, globalization, and cyberspace.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

**ALLISON MORRIS & GABRIELLE M. MAXWELL, RESTORATIVE JUSTICE FOR JUVENILES: CONFERENCING, MEDIATION AND CIRCLES (2003).**

This book is a collection of essays focusing on restorative justice as it relates to juveniles. Divided into four sections, the essays present: (1) introductions and comparisons of restorative justice practices; (2) various applications of restorative justice, not only in the United States, but also in Europe, Australia, and South Africa; (3) important and controversial topics in restorative justice systems; and (4) a look forward to the future of successful implementation of restorative justice techniques.

{21} MEDIATION—GENERAL

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

{124} COMPARISONS: CROSS-CULTURAL

**ROSEMARY O'LEARY & LISA BINGHAM, THE PROMISE AND PERFORMANCE OF ENVIRONMENTAL CONFLICT RESOLUTION (2003).**

This book explains environmental conflict resolution (ECR), which employs negotiation and mediation to settle disputes and shape environmental policy. ECR has been used since 1974 and became popular in the mid 1990s. The authors weighed the effectiveness of ECR through empirical research and coupled the results with practitioners' insight. They ultimately conclude that,

though highly popular, ECR is not applicable to all environmental conflicts given critical comparisons to other disciplines.

- {1} NEGOTIATION—GENERAL
- {21} MEDIATION—GENERAL
- {84} SUBJ MATTER: ENVIRONMENT
- {134} DISPUTE PREVENTION

**FENIOSKY PENA-MORA ET AL.,** INTRODUCTION TO CONSTRUCTION DISPUTE RESOLUTION (2003).

This textbook provides a foundation in dispute avoidance and resolution in the construction industry. It addresses new and innovative ways to promote collaborative environments in the face of construction disputes by emphasizing the use of the Dispute Resolution Ladder. This book uses case studies and examples, and points of discussion to correlate theory and practice for resolving disputes within the construction industry.

- {1} NEGOTIATION—GENERAL
- {75} SUBJ MATTER: COMMERCIAL
- {155} TEACHING

**BENNETT G. PICKER,** MEDIATION PRACTICE GUIDE: A HANDBOOK FOR RESOLVING BUSINESS DISPUTES (2003).

This book is a practical guide for lawyers and parties who are dealing with mediation. The author defines mediation and then proceeds to instruct on when to mediate, what the stages of a typical mediation are, what the mediator's role is, and how to function as an advocate in mediation. The author also offers case studies in mediation and provides some strategies for corporations and firms to use in mediation.

- {21} MEDIATION—GENERAL
- {73} SUBJ MATTER: GENERAL
- {114} 3D PARTY: PRACTICE OF LAW
- {151} ROLE OF LAWYERS

**GUNNAR SJÖSTEDT,** PROFESSIONAL CULTURES IN INTERNATIONAL NEGOTIATION: BRIDGE OR RIFT? (2003).

The goal of this collection of essays is to discuss when professional cultures may have a favorable impact on negotiations and when they have an unfavorable impact on negotiations. The essays consider several different professions, including diplomats, scientists, and international lawyers. These essays seek to find ways for negotiators to build relationships and to minimize rifts between themselves when in an international setting.

- {1} NEGOTIATION—GENERAL
- {92} SUBJ MATTER: INT'L
- {124} COMPARISONS: CROSS-CULTURAL

**OLIVER ROSS, SITUATIONAL MEDIATION: SENSIBLE CONFLICT RESOLUTION (2003).**

This book examines several situations in which mediation is used, offers hypothetical dialogues for each set of circumstances, and comments on the dialogues and mediation processes in each case. The mediation settings addressed include family mediation (divorce), workplace and contract mediation, and mediation that deals with anger and other emotion management. In the Appendix, the author offers a set of forms useful in various mediation situations. This book describes ways to resolve personal and business conflicts by using best features of evaluative, collaborative, transformative, and humanistic mediation. It also provides clearly defined steps, extensive examples, and detailed commentary to help participants work through issues quickly, inexpensively, and with the least possible stress.

{21} MEDIATION—GENERAL

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

{96} SUBJ MATTER: EMPLOYMENT (NON-UNION)

**IRMA S. RUSSELL, ISSUES OF LEGAL ETHICS IN THE PRACTICE OF ENVIRONMENTAL LAW (2003).**

This book provides an in-depth guide to issues that raise important concerns in environmental practice and describes practices and alternatives that serve the goals of the lawyer, the client, and the administration of justice. The book examines judicial decisions, formal and informal ABA Opinions, opinions of state advisory committees or committees on professional responsibility, and the American Bar Association's Model Rules of Professional Conduct. Chapter 9 examines alternative dispute resolution (ADR) and the use of third party neutrals in environmental matters, as well as the ethical issues that arise when using ADR in the environmental arena.

{44} ARBITRATION—GENERAL

{84} SUBJ MATTER: ENVIRONMENT

{138} ETHICS: GENERAL

**JESWALD W. SALACUSE, THE GLOBAL NEGOTIATOR: MAKING, MANAGING, AND MENDING DEALS AROUND THE WORLD IN THE TWENTY-FIRST CENTURY (2003).**

The author notes that the globalization of economic and business activity requires executives, lawyers, entrepreneurs, and officials to make deals with companies and organizations around the world, work productively with foreign partners and associates, and effectively handle disputes that arise with affiliates and governments in other countries. This book discusses the use of negotiation as a basic tool for accomplishing these tasks.

{1} NEGOTIATION—GENERAL



{81} SUBJ MATTER: CORPORATE

**STANLEY P. SKLAR**, *HANDLING CONSTRUCTION RISKS*, 2003: *ALLOCATE NOW OR LITIGATE LATER* (2003).

This course handbook includes a chapter dedicated to construction mediation. Mediation is often needed in construction cases because it is vital to maintain the amicable relationship between parties. This chapter outlines when mediation should be used in construction cases, what parties should be present, and the particular skills a mediator needs in these cases. The chapter emphasizes the importance of mediator knowledge of the construction industry.

{1} NEGOTIATION—GENERAL

{80} SUBJ MATTER: CONSTRUCTION

{126} REQUIREMENTS: CONTRACTUAL CLAUSES

{134} DISPUTE PREVENTION

**CHRISTOPHER E. SMITH**, *COURTS AND TRIALS: A REFERENCE HANDBOOK* (2003).

This book provides a comprehensive overview of courts and trial processes, including the functions of court for society. It also examines important debates about how courts and trials might be improved to better serve people's needs, including coverage of specific court reforms and their effects. The book also contains a discussion of court-annexed alternative dispute resolution, with a specific discussion of ADR in Florida.

{45} ARB: MANDATORY, COURT-ANNEXED—GENERAL

{73} SUBJ MATTER: GENERAL

{128} REQUIREMENTS: STATUTORY OR RULES

{133} COURT REFORMS

**ALLAN STITT**, *MEDIATING COMMERCIAL DISPUTES* (2003).

This book demonstrates every aspect of how to effectively handle and conduct mediation in today's complex business world. It takes the reader step-by-step through the intricacies of the mediation process, providing practical tips and interesting anecdotes to guide the reader along the way.

{21} MEDIATION—GENERAL

{75} SUBJ MATTER: COMMERCIAL

**ALBERT JAN VAN DEN BERG**, *INTERNATIONAL COMMERCIAL ARBITRATION: IMPORTANT CONTEMPORARY QUESTIONS* (2003).

This is a collection of the International Council for Commercial Arbitration (ICCA) Congress Series no. 11. Contributions include work by UNCITRAL, relating to written form requirements for arbitration agreements and model law protections. Also included are practitioner views on illegality in the conduct of arbitration and articles on arbitration under investment treaties

written by arbitrators and practitioners, emphasizing NAFTA and the emerging issues of transparency, accountability, and review.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

{79} SUBJ MATTER: CONSUMER

**RUSSELL J. WEINTRAUB**, *INTERNATIONAL LITIGATION AND ARBITRATION: PRACTICE AND PLANNING* (2003).

This fourth edition textbook studies in depth the current intricacies of international conflicts of laws analysis including issues involving foreign litigants in U.S Courts, extra-territorial application of United States Law and numerous doctrines and acts that exist within the realm of international law. Furthermore, this text briefly examines the use of arbitration and some reasons to prefer arbitration to litigation in the international context.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

{155} TEACHING

**U.N. CONF. ON TRADE AND DEVELOPMENT**, *DISPUTE SETTLEMENT: INVESTOR-STATE* (2003).

This book discusses the issue of investor state dispute settlement, its resolution through informal means such as negotiation and later, if that fails, arbitration. After arbitration is chosen, it describes the determination of procedural issues, such as the choice of venue and applicable law. Further, the book describes the finality and enforcement of awards.

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

{122} SETTLEMENT: ENFORCEMENT OF SETTLEMENT OR AWARD

**U.S. CT. OF APP. (9TH CIR.) STANDING COMMITTEE ON ALTERNATIVE DISPUTE RESOLUTION OFFICE OF THE CIRCUIT EXECUTIVE**, *ADR GUIDEBOOK* (2003).

This book provides an overall guide for Alternative Dispute Resolution. This book was prepared by the Ninth Circuit Court of Appeals Standing Committee on Alternative Dispute Resolution. The book provides a framework for mediation in the United States and general Alternative Dispute Resolution in the field of law.

{21} MEDIATION—GENERAL

{73} SUBJ MATTER: GENERAL